

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

COREY DEWAYNE FINNEY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Criminal Action No.  
5:02-CR-10-HL

Civil Action No.  
5:08-CV-90013-HL

**ORDER**

Petitioner has filed a Notice of Appeal (Doc. 60), which the Court construes as both a Notice of Appeal and a Motion for a Certificate of Appealability. Petitioner seeks appellate review of the Court's June 25, 2008, Order (Doc. 56) denying his Motion to Vacate Under § 2255 (Doc. 51). Under 28 U.S.C. § 2253(c), an appeal may not be taken from the final order in a § 2255 proceeding unless a circuit justice or judge issues a certificate of appealability. A judge may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because Petitioner has not made this showing, his Motion for a Certificate of Appealability is denied.

**SO ORDERED**, this the 16<sup>th</sup> day of October, 2008

*s/ Hugh Lawson*  
**HUGH LAWSON, Judge**

dhc